

1 AN ACT concerning utilities.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Illinois Underground Utility Facilities  
5 Damage Prevention Act is amended by changing Sections 4, 7,  
6 and 10 as follows:

7 (220 ILCS 50/4) (from Ch. 111 2/3, par. 1604)

8 Sec. 4. Required activities. Every person who engages  
9 in nonemergency excavation or demolition shall:

10 (a) take reasonable action to inform himself of the  
11 location of any underground utility facilities or CATS  
12 facilities in and near the area for which such operation is  
13 to be conducted;

14 (b) plan the excavation or demolition to avoid or  
15 minimize interference with underground utility facilities or  
16 CATS facilities within the tolerance zone by utilizing such  
17 precautions that include, but are not limited to, hand  
18 excavation, vacuum excavation methods, and visually  
19 inspecting the excavation while in progress until clear of  
20 the existing marked facility;

21 (c) if practical, use white paint, flags, stakes, or  
22 both, to outline the dig site;

23 (d) provide notice not ~~more than 14 days nor~~ less than  
24 48 hours (exclusive of Saturdays, Sundays and holidays) but  
25 no more than 14 calendar days in advance of the start of the  
26 excavation or demolition to the owners or operators of the  
27 underground utility facilities or CATS facilities in and near  
28 the excavation or demolition area through the State-Wide  
29 One-Call Notice System or, in the case of nonemergency  
30 excavation or demolition within the boundaries of a  
31 municipality of at least one million persons which operates

1 its own one-call notice system, through the one-call notice  
2 system which operates in that municipality;

3 (e) provide, during and following excavation or  
4 demolition, such support for existing underground utility  
5 facilities or CATS facilities in and near the excavation or  
6 demolition area as may be reasonably necessary for the  
7 protection of such facilities unless otherwise agreed to by  
8 the owner or operator of the underground facility or CATS  
9 facility; and

10 (f) backfill all excavations in such manner and with  
11 such materials as may be reasonably necessary for the  
12 protection of existing underground utility facilities or CATS  
13 facilities in and near the excavation or demolition area;  
14 and-

15 (g) After February 29, 2004, when the excavation or  
16 demolition project will extend past 28 calendar days from the  
17 date of the original notice provided under clause (d), the  
18 excavator shall provide a subsequent notice to the owners or  
19 operators of the underground utility facilities or CATS  
20 facilities in and near the excavation or demolition area  
21 through the State-Wide One-Call Notice System, informing  
22 utility owners and operators that additional time to complete  
23 the excavation or demolition project will be required. The  
24 notice will provide the excavator with an additional 28  
25 calendar days from the date of the subsequent notification to  
26 continue or complete the excavation or demolition project.

27 At a minimum, the notice required under clause (d) shall  
28 provide:

29 (1) the person's name, address, and (i) phone  
30 number at which a person can be reached and (ii) fax  
31 number;

32 (2) the start date of the planned excavation or  
33 demolition;

34 (3) the address at which the excavation or

1 demolition will take place;

2 (4) the type and extent of the work involved; and

3 (5) section/quarter sections when the above  
4 information does not allow the State-Wide One-Call Notice  
5 System to determine the appropriate geographic  
6 section/quarter sections. This item (5) does not apply  
7 to residential property owners.

8 Nothing in this Section prohibits the use of any method  
9 of excavation if conducted in a manner that would avoid  
10 interference with underground utility facilities or CATS  
11 facilities.

12 (Source: P.A. 92-179, eff. 7-1-02.)

13 (220 ILCS 50/7) (from Ch. 111 2/3, par. 1607)

14 Sec. 7. Damage or dislocation. In the event of any  
15 damage to or dislocation of any underground utility  
16 facilities or CATS facilities in connection with any  
17 excavation or demolition, emergency or nonemergency, the  
18 person responsible for the excavation or demolition  
19 operations shall immediately notify the affected utility and  
20 the State-Wide One-Call Notice System. Owners and operators  
21 of underground utility facilities that are damaged and the  
22 excavator involved shall work in a cooperative and  
23 expeditious manner to repair the affected utility.

24 (Source: P.A. 92-179, eff. 7-1-02.)

25 (220 ILCS 50/10) (from Ch. 111 2/3, par. 1610)

26 Sec. 10. Record of notice; marking of facilities. Upon  
27 notice by the person engaged in excavation or demolition, the  
28 person owning or operating underground utility facilities or  
29 CATS facilities in or near the excavation or demolition area  
30 shall cause a written record to be made of the notice and  
31 shall mark, within 48 hours (excluding Saturdays, Sundays and  
32 holidays) of receipt of notice, the approximate locations of

1 such facilities so as to enable the person excavating or  
2 demolishing to establish the location of the underground  
3 utility facilities or CATS facilities. Owners and operators  
4 of underground sewer facilities shall be required to respond  
5 and mark the approximate location of their sewer facilities  
6 when the excavator indicates, in the notice required in  
7 Section 4, that the excavation or demolition project will  
8 exceed a depth of 7 feet. "Depth", in this case, is defined  
9 as the distance measured vertically from the surface of the  
10 ground to the top of the sewer facility. Owners and  
11 operators of underground sewer facilities shall be required  
12 at all times to locate the approximate location of their  
13 sewer facilities when: (1) directional boring is the  
14 indicated type of excavation work being performed within the  
15 notice; (2) the underground sewer facilities owned are  
16 non-gravity, pressurized force mains; or (3) the excavation  
17 indicated will occur in the immediate proximity of known  
18 underground sewer facilities that are less than 7 feet deep.  
19 Owners or operators of underground sewer facilities shall not  
20 hold an excavator liable for damages that occur to sewer  
21 facilities that were not required to be marked under this  
22 Section, provided that prompt notice of the damage is made to  
23 the State-Wide One Call Notice System and the utility owner  
24 as required in Section 7.

25 All persons subject to the requirements of this Act shall  
26 plan and conduct their work consistent with reasonable  
27 business practices. Conditions may exist making it  
28 unreasonable to request that locations be marked within 48  
29 hours. It is unreasonable to request owners and operators of  
30 underground utility facilities and CATS facilities to locate  
31 all of their facilities in an affected area upon short notice  
32 in advance of a large or extensive nonemergency project, or  
33 to request extensive locates in excess of a reasonable  
34 excavation or demolition work schedule, or to request locates

1 under conditions where a repeat request is likely to be made  
2 because of the passage of time or adverse job conditions.  
3 Owners and operators of underground utility facilities and  
4 CATS facilities must reasonably anticipate seasonal  
5 fluctuations in the number of locate requests and staff  
6 accordingly.

7 If a person owning or operating underground utility  
8 facilities or CATS facilities receives a notice under this  
9 Section but does not own or operate any underground utility  
10 facilities or CATS facilities within the proposed excavation  
11 or demolition area described in the notice, that person,  
12 within 48 hours (excluding Saturdays, Sundays, and holidays)  
13 after receipt of the notice, shall so notify the person  
14 engaged in excavation or demolition who initiated the notice,  
15 unless the person who initiated the notice expressly waives  
16 the right to be notified that no facilities are located  
17 within the excavation or demolition area. The notification  
18 by the owner or operator of underground utility facilities or  
19 CATS facilities to the person engaged in excavation or  
20 demolition may be provided in any reasonable manner  
21 including, but not limited to, notification in any one of the  
22 following ways: by face-to-face communication; by phone or  
23 phone message; by facsimile; by posting in the excavation or  
24 demolition area; or by marking the excavation or demolition  
25 area. The owner or operator of those facilities has  
26 discharged the owner's or operator's obligation to provide  
27 notice under this Section if the owner or operator attempts  
28 to provide notice by telephone or by facsimile, if the person  
29 has supplied a facsimile number, but is unable to do so  
30 because the person engaged in the excavation or demolition  
31 does not answer his or her telephone or does not have an  
32 answering machine or answering service to receive the  
33 telephone call or does not have a facsimile machine in  
34 operation to receive the facsimile transmission. If the

1 owner or operator attempts to provide notice by telephone or  
 2 by facsimile but receives a busy signal, that attempt shall  
 3 not serve to discharge the owner or operator of the  
 4 obligation to provide notice under this Section.

5 A person engaged in excavation or demolition may  
 6 expressly waive the right to notification from the owner or  
 7 operator of underground utility facilities or CATS facilities  
 8 that the owner or operator has no facilities located in the  
 9 proposed excavation or demolition area. Waiver of notice is  
 10 only permissible in the case of regular or nonemergency  
 11 locate requests. The waiver must be made at the time of the  
 12 notice to the State-Wide One-Call Notice System. A waiver  
 13 made under this Section is not admissible as evidence in any  
 14 criminal or civil action that may arise out of, or is in any  
 15 way related to, the excavation or demolition that is the  
 16 subject of the waiver.

17 For the purposes of this Act, underground facility  
 18 operators may utilize a combination of flags, stakes, and  
 19 paint when possible on non-paved surfaces and when dig site  
 20 and seasonal conditions warrant. If the approximate location  
 21 of an underground utility facility or CATS facility is marked  
 22 with stakes or other physical means, the following color  
 23 coding shall be employed:

Utility or Community Antenna Television Systems and Type of Product	Identification Color
Electric Power, Distribution and Transmission.....	Safety Red
Municipal Electric Systems.....	Safety Red
Gas Distribution and Transmission.....	High Visibility Safety Yellow
Oil Distribution and Transmission.....	High Visibility Safety Yellow
Telephone and Telegraph Systems.....	Safety Alert Orange

- 1 Community Antenna Television Systems.. Safety Alert Orange
- 2 Water Systems..... Safety
- 3 Precaution Blue
- 4 Sewer Systems..... Safety Green
- 5 Non-potable Water and Slurry Lines.... Safety Purple
- 6 Temporary Survey..... Safety Pink
- 7 Proposed Excavation..... Safety White (Black
- 8 when snow is
- 9 on the ground)
- 10 (Source: P.A. 92-179, eff. 7-1-02.)

11 Section 99. Effective date. This Act takes effect upon  
 12 becoming law.